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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,224	12/03/2003	Asit Dan	YOR920020340US1	5193
48813 7590 06/06/2007 LAW OFFICE OF IDO TUCHMAN (YOR) 82-70 BEVERLY ROAD KEW GARDENS, NY 11415			EXAMINER LIM, KRISNA	
			ART UNIT 2153	PAPER NUMBER
			MAIL DATE 06/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/727,224

Applicant(s)

DAN ET AL.

Examiner

Krisna Lim

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 1-31 are presented for examination.
2. The title of the invention is neither descriptive nor precise. A new title is required which should include, using twenty words or fewer, claimed features that differentiate the invention from the Prior Art. The title should reflect the gist of or the improvement of the present invention.
3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.
4. Claims 21-31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as being an intangible media (e.g., a computer program product). A computer program product is not tangibly embodied in a manner so as to be executable because the applicant does not clearly define a tangible media in the specification.
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
6. Claims 1-31 are rejected under 35 U.S.C. §102(e) as being anticipated by Van Dordick et al.[U.S. Patent No. 2004/0230459].

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7. Dordick et al. anticipates (e.g., see Figs. 1-3B) the invention substantially as claimed. Taking claim 1 as an exemplary claim, the reference anticipates a method for embedding an agreement (110, § 36) between a device provider (104) and a device user (106) in a device, the method comprising:

- a) monitoring (310, 312 of Fig. 3A, 3B) at least one performance parameter (e.g., see § 10, 11, 20, 21 and 36); and
- b) determining if an event specified in the agreement has occurred based on the parameter (e.g., see § 10, 11, 21, 36).

8. As to claim 2, Dordick et al. further anticipates if the event occurred, indicating that the event occurred at the device (e.g., see § 10 and 11).

9. As to claim 3, Dordick et al. further anticipates storing the agreement (110) in the device (e.g., see § 10 and 11).

10. As to claim 4, Dordick et al. further anticipates enforcing the agreement (110) at the device (e.g., see 316 of Fig. 3B, § 3 and 4).

11. As to claim 5, Dordick et al. further anticipates enforcing the agreement includes disabling at least some of the capabilities of the device if the event occurred (e.g., see 314 of Fig. 3B, § 27).

12. As to claim 6, Dordick et al. further anticipates enforcing the agreement includes enabling at least some of the capabilities of the device if the event occurred (e.g., see 316 of Fig. 3B, § 27).

13. As to claim 7, Dordick et al. further anticipates representing the agreement as a Boolean expression (logical operation) of at least one condition, the condition based on the parameter (e.g., see § 32 and 33).

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14. As to claim 8, Dordick et al. further anticipates the event is a violation of the agreement (e.g., see § 20, 21 and 24).

15. As to claim 9, Dordick et al. further anticipates indicating violation of the agreement on the device (e.g., see § 37).

16. As to claim 10, Dordick et al. further anticipates informing the device provider of the event occurrence (e.g., see § 27 and 37).

17. As to claim 11, Dordick et al. further anticipates restricting access to parameter data (e.g., see § 39).

18. As to claim 12, Dordick et al. further anticipates receiving the parameter data by manual entry (e.g., see § 36).

19. As to claim 13, Dordick et al. further anticipates transmitting the parameter data to the device provider (e.g., see § 36).

20. Claims 14-31 are rejected for the same rationale as claims 1-13, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited references.

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references are cited in the Form PTO-892 for the applicant's review.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133,

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M.P.E.P 710.02, 710.02(b)).

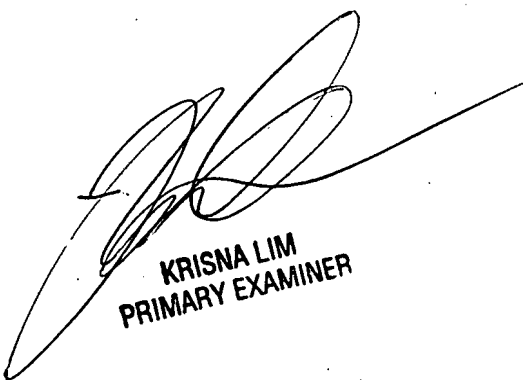
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

May 30, 2007



KRISNA LIM
PRIMARY EXAMINER